

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

October 9, 2006

CALL TO PODIUM:

Patricia Patula, Planner

RESPONSIBLE STAFF:

Patricia Patula, Planner

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
x	Public Hearing
x	Historic District Commission
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	NA
Advertised	9-27-2006
Hearing Date	10-9-2006
Record Held Open	
Policy Discussion	

TITLE:**HISTORIC DISTRICT COMMISSION****Public Hearing**

HAWP-37E Applicant Stephen Orens, for Hamza Halici/Halici, Inc.
Request for Demolition of the Historic Talbott House (Hair Bar) at
309 North Frederick Avenue

SUPPORTING BACKGROUND:

This is a public hearing on a request to demolish 309 North Frederick Avenue, the Talbott House, which was designated a local historic site on June 5, 1989 (HD-17) at the applicant's request. Stephen Orens, of Miles & Stockbridge, representing Hamza Halici/Halici, Inc., states that retention of this building is causing a substantial economic hardship to Mr. Halici.

At their policy discussion of September 5, 2006, the HDC reviewed HPAC's record on this same application. The HPAC unanimously voted to recommend denial based on the finding that the applicant did not meet his burden of proof for economic hardship (Exhibit 59, summarizes Exhibits 57 and 58, the minutes of the two meetings on July 6, and August 3, 2006). The HDC decided to hold its own public hearing on the matter, and the applicant agreed to extend the 45-day historic area work permit review requirement.

At this public hearing, the HDC has the option of holding its record open to receive additional information from the applicant or public, or deciding to approve or deny the work permit request. Approval would be followed with a Certificate of Approval. Denial would require the preparation of a resolution stating the findings.

The applicable criteria for decisions on historic area work permits, Section 24-228.2, is attached for ready reference (Exhibit 64).

*Attachments: Complete updated record for HAWP-37E with
Index of Memoranda and all Exhibits*

DESIRED OUTCOME:

Hold public hearing.

HPAC Public Hearing – July 6, 2006
HPAC Public Hearing – continued August 3, 2006
HDC Policy Discussion – September 5, 2006
HDC Public Hearing – October 9, 2006

**INDEX OF MEMORANDA
HAWP-37E**

**Applicant: Stephen Orens, for Hamza Halici/Halici Inc.
309 North Frederick Avenue
Demolition of Historic Talbott House**

Number	Exhibit
1.	Application
2.	Letter from applicant to HDC dated June 5, 2006
3.	Statement for Support of HAWP prepared by applicant
4.	Photographs of Subject Property
5.	Resolution HDC-2-03 adopted June 2, 2003
6.	Aerial photograph
7.	Notice to include legal ad for public hearing in the June 28, 2006, <i>Gaithersburg Gazette</i>
8.	Public hearing notice, sent out June 26, 2006, to the required parties
9.	Mailing list
10.	Appraisal Report prepared by Peter A. Moholt, MAI, May 9, 2006
11.	Natural Resources Inventory (large size and reduced versions)
12.	Record Plat (large size and reduced version)
13.	By Reference: Annotated Code of Maryland, Article 66B, Historic Resources
14.	By Reference: Secretary of Interior Standards for Rehabilitation
15.	By Reference: HD-17 Designation Documents
16.	By Reference: Qualifications of HPAC, HDC, and staff
17.	By Reference: Historic Preservation Ordinance
18.	By reference: File HAWP-37C
19.	Petition presented at hearing by Peter Winder from residents of Montgomery Avenue and adjacent properties. This exhibit was objected to by Rebecca Willens, Counsel for Mr. Halici

- 20. Testimony of Wayne Goldstein, President MPI, presented at public hearing
- 21. Letter from DuFour and Orens dated June 30, 2006 (also e-mail version received) requesting postponement of HDC review to September, 2006
- 21A Memo to HPAC from staff liaison Patula dated July 13, 2006 re additional exhibits from file HAWP-37C

The following selected exhibits are from File HAWP-37C (an earlier request for demolition of 309 North Frederick Avenue) and have been renumbered for purposes of inclusion in this record (HAWP-37E).

- 22. Index of Memoranda for File HAWP-37C
- 23. Letter to City Council dated November 3, 1988 from Mr. Halici
- 24. Minutes of HPAC meeting of November 3, 1988
- 25. Petition for Historic Designation dated March 3, 1989
- 26. Memorandum to Linda Michael dated April 5, 1989 from City Attorney Stanley Abrams re conditional petition
- 27. Maryland Historical Trust Inventory for 309 North Frederick
- 28. Financial Statement prepared by Michael Kane dated April 25, 1997
- 29. Minutes of HPAC meeting of April 15, 1999
- 30. Letter to HDC dated October 4, 1999 from Stephen Orens re demolition application
- 31. Letter to Mr. Halici dated July 23, 1999 from Steven Karr, AIA, re conversion of the Hair Bar to a restaurant
- 32. Letter to Ms. Basaman dated September 29, 1999 from Winfree Irvine re financial status
- 33. Power Point Charts showing financial calculations prepared by applicant
- 34. Transcript of HDC public hearing October 4, 1999 for demolition
- 35. Minutes of HDC policy discussion November 6, 2000
- 36. Letter to Mr. Halici dated November 28, 2000 from Planning Director Jennifer Russel
- 37. Letter to HDC dated March 27, 2001 from Stephen Orens, a "white paper" to support the request for demolition
- 38. Excerpt p. 4 from the Special Study Area Frederick Avenue Land Use Plan
- 39. Letter to HDC dated September 5, 2001 from Ms. Primo with report from Construction Services
- 40. Letter to Stephen Orens dated December 17, 2001 from Planning Director Russel requesting additional information
- 41. Memorandum from City Attorney Stanley Abrams dated April 4, 2001 to HDC re the standard to be used for a historic area work permit granting demolition of a historically designated structure
- 42. Letter to HDC dated February 26, 2002, from Stephen Orens with additional information
- 43. Cover letter to Ms. Frande dated October 5, 1995 from Peter Moholt re appraisal

- 44. Financial Statement by Omer & Company, P.A. dated December 31, 2000
- 45. Letter to Ms. Primo dated march 27, 2002 from Planner Patula referencing site visit
- 46. Memorandum to City Managers dated June 13, 2002, from Cliff Lee, Commercial Plans Reviewer for City of Gaithersburg re condition of property
- 47. Letter to City Council/HDC dated January 7, 2003 from Stephen Orens responding to Mr. Lee's memo
- 48. Tax Credit Application sent to Montgomery County May 16, 1991

End of Exhibits from File HAWP-37C.

- 49. Transcript of Public Hearing held July 6, 2006
- 50. E-mail dated July 31, 2006 to the Historic Preservation Advisory Committee from Rebecca Willens, DuFour & Orens re legal standard
- 51. Letter to Mayor Katz dated August 2, 2006 from Margaret Erickson of Washington Grove
- 52. E-mail from Rebecca Willens, DurFour & Orens dated August 2, 2006 additional information
- 53. Written testimony of Wayne Goldstein, President of MPI, dated August 3, 2006
- 54. Transcript of continued Public Hearing of August 3, 2006
- 55. Draft Minutes of HPAC meeting of July 6, 2006
- 56. Minutes of HPAC meeting of August 3, 2006 (not yet prepared)

Additional Exhibits for HDC Public Hearing of October 9, 2006

- 57. Minutes (approved) of HPAC meeting of July 6, 2006
- 58. Draft Minutes of HPAC meeting of August 3, 2006
- 59. Cover Sheet for HDC Policy Discussion of September 5, 2006
- 60. Notice of Public Hearing as mailed September 21, 2006 to required parties
- 61. Mailing list
- 62. Request for Legal Ad to be placed in the September 27, 2006 issue of the Gaithersburg Gazette

- 63. Certified legal ad for September 27, 2006 HDC public hearing
- 64. Excerpt from Historic Preservation Ordinance, Section 24-228.2